



House of Representatives

General Assembly

File No. 260

February Session, 2002

Substitute House Bill No. 5176

House of Representatives, April 2, 2002

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING YOUTH IN CRISIS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-120 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows: (1) "Child"
5 means any person under sixteen years of age and, for purposes of
6 delinquency matters, "child" means any person (A) under sixteen years
7 of age or, (B) sixteen years of age or older who, prior to attaining
8 sixteen years of age, has violated any federal or state law or municipal
9 or local ordinance, other than an ordinance regulating behavior of a
10 child in a family with service needs, and, subsequent to attaining
11 sixteen years of age, violates any order of the Superior Court or any
12 condition of probation ordered by the Superior Court with respect to
13 such delinquency proceeding; (2) "youth" means any person sixteen [to
14 eighteen] or seventeen years of age; (3) "youth in crisis" means any

15 [person sixteen to seventeen years of age] youth who, within the last
16 two years, (A) has without just cause run away from the parental home
17 or other properly authorized and lawful place of abode; (B) is beyond
18 the control of parents, guardian or other custodian; or (C) has four
19 unexcused absences from school in any one month or ten unexcused
20 absences in any school year; (4) "abused" means that a child or youth
21 (A) has been inflicted with physical injury or injuries other than by
22 accidental means, or (B) has injuries [which] that are at variance with
23 the history given of them, or (C) is in a condition [which] that is the
24 result of maltreatment such as, but not limited to, malnutrition, sexual
25 molestation or exploitation, deprivation of necessities, emotional
26 maltreatment or cruel punishment; (5) a child may be found "mentally
27 deficient" who, by reason of a deficiency of intelligence [, which] that
28 has existed from birth or from early age, requires, or will require, for
29 his protection or for the protection of others, special care, supervision
30 and control; (6) a child may be convicted as "delinquent" who has
31 violated (A) any federal or state law or municipal or local ordinance,
32 other than an ordinance regulating behavior of a child in a family with
33 service needs, (B) any order of the Superior Court, or (C) conditions of
34 probation as ordered by the court; (7) a child or youth may be found
35 "dependent" whose home is a suitable one for the child or youth, save
36 for the financial inability of parents, parent, guardian or other person
37 maintaining such home, to provide the specialized care the condition
38 of the child or youth requires; (8) a "family with service needs" means a
39 family [which] that includes a child who (A) has without just cause run
40 away from the parental home or other properly authorized and lawful
41 place of abode; (B) is beyond the control of parent, parents, guardian
42 or other custodian; (C) has engaged in indecent or immoral conduct;
43 (D) is a truant or habitual truant or who, while in school, has been
44 continuously and overtly defiant of school rules and regulations; or (E)
45 is thirteen years of age or older and has engaged in sexual intercourse
46 with another person and such other person is thirteen years of age or
47 older and not more than two years older or younger than such child;
48 (9) a child or youth may be found "neglected" who (A) has been
49 abandoned or (B) is being denied proper care and attention, physically,

50 educationally, emotionally or morally or (C) is being permitted to live
51 under conditions, circumstances or associations injurious to the
52 well-being of the child or youth or (D) has been abused; (10) a child or
53 youth may be found "uncared for" who is homeless or whose home
54 cannot provide the specialized care [which] that the physical,
55 emotional or mental condition of the child requires. For the purposes
56 of this section the treatment of any child by an accredited Christian
57 Science practitioner in lieu of treatment by a licensed practitioner of
58 the healing arts, shall not of itself constitute neglect or maltreatment;
59 (11) "delinquent act" means the violation of any federal or state law or
60 municipal or local ordinance, other than an ordinance regulating the
61 behavior of a child in a family with service needs, or the violation of
62 any order of the Superior Court; (12) "serious juvenile offense" means
63 (A) the violation by a child, including attempt or conspiracy to violate
64 sections 21a-277, 21a-278, as amended, 29-33, 29-34, 29-35, as amended,
65 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to
66 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71,
67 inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101,
68 53a-102a, 53a-103a, 53a-111 to 53a-113, inclusive, subdivision (1) of
69 subsection (a) of section 53a-122, subdivision (3) of subsection (a) of
70 section 53a-123, 53a-134, 53a-135, 53a-136a, 53a-166, 53a-167c, as
71 amended, subdivision (a) of section 53a-174, 53a-196a, 53a-211, 53a-212,
72 53a-216 or 53a-217b, as amended, or (B) running away, without just
73 cause, from any secure placement other than home while referred as a
74 delinquent child to the Office of Alternative Sanctions or committed as
75 a delinquent child to the Commissioner of Children and Families for a
76 serious juvenile offense; (13) "serious juvenile offender" means any
77 child convicted as delinquent for commission of a serious juvenile
78 offense; (14) "serious juvenile repeat offender" means any child
79 charged with the commission of any felony if such child has
80 previously been convicted delinquent at any age for two violations of
81 any provision of title 21a, 29, 53 or 53a [which] that is designated as a
82 felony; (15) "alcohol-dependent child" means any child who has a
83 psychoactive substance dependence on alcohol as that condition is
84 defined in the most recent edition of the American Psychiatric

85 Association's "Diagnostic and Statistical Manual of Mental Disorders";
86 (16) "drug-dependent child" means any child who has a psychoactive
87 substance dependence on drugs as that condition is defined in the
88 most recent edition of the American Psychiatric Association's
89 "Diagnostic and Statistical Manual of Mental Disorders". No child shall
90 be classified as drug dependent who is dependent (A) upon a
91 morphine-type substance as an incident to current medical treatment
92 of a demonstrable physical disorder other than drug dependence, or
93 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
94 or other stimulant and depressant substances as an incident to current
95 medical treatment of a demonstrable physical or psychological
96 disorder, or both, other than drug dependence.

97 Sec. 2. Section 46b-150d of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective from passage*):

99 An order that a minor is emancipated shall have the following
100 effects: (a) The minor may consent to medical, dental or psychiatric
101 care, without parental consent, knowledge or liability; (b) the minor
102 may enter into a binding contract; (c) the minor may sue and be sued
103 in his own name; (d) the minor shall be entitled to his own earnings
104 and shall be free of control by his parents or guardian; (e) the minor
105 may establish his own residence; (f) the minor may buy and sell real
106 and personal property; (g) the minor may not thereafter be the subject
107 of a petition under section [46b-120] 46b-129, as amended, as an
108 abused, dependent, neglected or uncared for child or youth; (h) the
109 minor may enroll in any school or college, without parental consent; (i)
110 the minor shall be deemed to be over eighteen years of age for
111 purposes of securing an operator's license under section 14-36 and a
112 marriage license under subsection (b) of section 46b-30 without
113 parental consent; (j) the minor shall be deemed to be over eighteen
114 years of age for purposes of registering a motor vehicle under section
115 14-12, as amended; (k) the parents of the minor shall no longer be the
116 guardians of the minor under section 45a-606; (l) the parents of a minor
117 shall be relieved of any obligations respecting his school attendance
118 under section 10-184; (m) the parents shall be relieved of all obligation

119 to support the minor; (n) the minor shall be emancipated for the
120 purposes of parental liability for his acts under section 52-572; (o) the
121 minor may execute releases in his own name under section 14-118; and
122 (p) the minor may enlist in the armed forces of the United States
123 without parental consent.

124 Sec. 3. Section 17a-1 of the general statutes, as amended by section
125 42 of public act 01-2 of the June special session and section 129 of
126 public act 01-9 of the June special session, is repealed and the following
127 is substituted in lieu thereof (*Effective from passage*):

128 As used in sections 17a-1 to 17a-26, inclusive, as amended, 17a-28 to
129 17a-49, inclusive, as amended, 17a-127, as amended, and 46b-120, as
130 amended by this act, unless otherwise provided in said sections:

131 (1) "Commissioner" means the Commissioner of Children and
132 Families;

133 (2) "Council" means the State Advisory Council on Children and
134 Families;

135 (3) "Advisory committee" means the Children's Behavioral Health
136 Advisory Committee to the council;

137 (4) "Department" means the Department of Children and Families;

138 (5) "Child" means any person under sixteen years of age;

139 (6) "Youth" means any person at least sixteen years of age and under
140 nineteen years of age;

141 (7) "Delinquent child" shall have the meaning ascribed thereto in
142 section 46b-120, as amended by this act;

143 (8) "Child or youth with behavioral health needs" means a child or
144 youth who is suffering from one or more mental disorders as defined
145 in the most recent edition of the American Psychiatric Association's
146 "Diagnostic and Statistical Manual of Mental Disorders";

147 (9) "Individual service plan" means a written plan to access
148 specialized, coordinated and integrated care for a child or youth with
149 complex behavioral health service needs [which shall be] that is
150 designed to meet the needs of the child or youth and his or her family
151 and may include, when appropriate (A) an assessment of the
152 individual needs of the child or youth, (B) an identification of service
153 needs, (C) an identification of services [which] that are currently being
154 provided, (D) an identification of opportunities for full participation by
155 parents or emancipated minors, (E) include a reintegration plan when
156 an out-of-home placement is made or recommended, (F) an
157 identification of criteria for evaluating the effectiveness and
158 appropriateness of such plan, and (G) coordination of the individual
159 service plan with any educational services provided to the child or
160 youth. The plan shall be subject to review at least every six months or
161 upon reasonable request by the parent based on a changed
162 circumstance, and be approved, in writing, by the parents, guardian of
163 a child or youth and emancipated minors;

164 (10) "Family" means a child or youth with behavioral health needs
165 [together with] and (A) one or more biological or adoptive parents,
166 except for a parent whose parental rights have been terminated, (B)
167 one or more persons to whom legal custody or guardianship has been
168 given, or (C) one or more adults who have a primary responsibility for
169 providing continuous care to such child or youth;

170 (11) "Parent" means a biological or adoptive parent, except a parent
171 whose parental rights have been terminated;

172 (12) "Guardian" means a person who has a judicially created
173 relationship between a child or youth and such person [which] that is
174 intended to be permanent and self-sustaining as evidenced by the
175 transfer to such person of the following parental rights with respect to
176 the child or youth: (A) The obligation of care and control; (B) the
177 authority to make major decisions affecting the child's or youth's
178 welfare, including, but not limited to, consent determinations
179 regarding marriage, enlistment in the armed forces and major medical,

180 psychiatric or surgical treatment; (C) the obligation of protection of the
181 child or youth; (D) the obligation to provide access to education; and
182 (E) custody of the child or youth;

183 (13) "Serious emotional disturbance" and "seriously emotionally
184 disturbed" means, with regard to a child or youth, that the child or
185 youth (A) has a range of diagnosable mental, behavioral or emotional
186 disorders of sufficient duration to meet diagnostic criteria specified in
187 the most recent edition of the American Psychiatric Association's
188 "Diagnostic and Statistical Manual of Mental Disorders", and (B)
189 exhibits behaviors that substantially interfere with or limit the child's
190 or youth's ability to function in the family, school or community and
191 are not a temporary response to a stressful situation;

192 (14) "Child or youth with complex behavioral health service needs"
193 means a child or youth with behavioral health needs who needs
194 specialized, coordinated behavioral health services;

195 (15) "Transition services" means services in the areas of education,
196 employment, housing and community living designed to assist a youth
197 with a serious emotional disturbance who is transitioning into
198 adulthood; and

199 (16) "Community collaborative" means a local consortium of public
200 and private health care providers, parents and guardians of children
201 with behavioral health needs and service and education agencies that
202 have organized to develop coordinated comprehensive community
203 resources for children or youth with complex behavioral health service
204 needs and their families in accordance with principles and goals of
205 Connecticut Community KidCare.

206 Sec. 4. Section 46b-149b of the general statutes is repealed and the
207 following is substituted in lieu thereof (*Effective October 1, 2002*):

208 Any police officer or any official of a municipal or community
209 agency, who in the course of his employment under subsection (d) of
210 section 17a-15, as amended, or section 46b-120, as amended by this act,

211 46b-121, 46b-149, [or] 46b-149a, 46b-150f, as amended, or 46b-150g
212 provides assistance to a child or a family in need thereof, shall not be
213 liable to such child or such family for civil damages for any personal
214 injuries which result from the voluntary termination of service by the
215 child or the family.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>October 1, 2002</i>

KID *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Cost	Judicial Dept	None	200,000	200,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill specifies that someone aged 16 or 17 may be designated as a youth in crisis under the Youth In Crisis (YIC) program that the Judicial Department administers. Current law provides that someone aged 16 may be designated as a youth in crisis. The bill would thereby increase the number of people treated as youths in crisis.

It is estimated that the Judicial Department will receive approximately 550 referrals to the YIC program during FY 02. Absent the bill, the agency will reject about 100 of these referrals because the individuals being referred are aged 17. The Judicial Department would begin to accept referrals for 17-year olds upon passage of the bill. Assuming passage of the bill on May 1, 2002, 15 – 20 referrals of 17-year olds would be accepted in the current fiscal year (FY 02). The annualized number of referrals for 17-year olds is estimated to be 100.

Once a referral is accepted, the Judicial Department assigns a Juvenile Probation Officer (JPO) to the case. The Judicial Department currently maintains a caseload of 1 officer to 36 cases for juvenile cases. In order to maintain this ratio, three additional JPOs would need to be hired at an annual cost of approximately \$200,000 (including salary,

benefits¹ and expenses.)

The YIC program makes educational and mental health services available to youths in crisis through private providers. The governor, through allotment recissions, has eliminated funding for this program in FY 02. However, services have been provided to youths in crisis through existing contracts to serve juvenile delinquents and persons with families with service needs (FWSN) status.

Funds in the amount of \$675,000 in FY 03 have been included within HB 5019 ("An Act Making Adjustments to the State Budget for the Biennium Ending June 30, 2003, and Making Appropriations Therefor," as favorably reported from the Appropriations Committee) for the cost of certain services under the YIC program. To the extent that the bill increases demand for contracted services by increasing the population to be served, the waiting period to receive services could increase.

¹ Fringe benefits are included in a miscellaneous appropriation to the Comptroller not individual agencies.

OLR Bill Analysis

sHB 5176

AN ACT CONCERNING YOUTH IN CRISIS**SUMMARY:**

This bill makes it clear that a “youth” under the youth in crisis program includes both 16- and 17-year-olds. Current law defines a “youth” as a person age 16 to 18, while it defines a “youth in crisis” as someone age 16 to 17.

The bill gives police officers and local government and community agency officials who work with youths in crisis (like youth service bureau staff) the same immunity from personal liability they now have when working with families with service needs. The law immunizes them for personal injuries that arise from the child or his parents voluntarily terminating services.

A youth in crisis is someone who comes under juvenile court jurisdiction because he has run away from home without just cause, is beyond his parents’ control, or has multiple unexcused absences from school. The court can require the youth to participate in community service, require him to go to school or some other educational program, restrict his driving, and require mental health services.

EFFECTIVE DATE: Upon passage for the change in youth in crisis definition; October 1, 2002 for the immunity provision.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0

